

June 27, 1936

Mr. Franklin C. Hansen  
Boulder, Utah

Dear Sir:

REL: BOULDER-DEER CREEK  
DISTRIBUTION

S.T.C. With respects to your letter of June 23, asking if possible a representative of this office visit Boulder creek sometime during the summer, preferably before July 1, - and outlining the different interpretations that have been placed on the rights of Mr. Mossman to use of water from Deer creek as a supplemental supply,- I wish to advise that if and when a representative of this office is in the southern part of the State, I will see that Boulder creek is visited.

With reference to Mr. Mossman's right, it appears the interpretations in my letter of May 12, to Boulder Creek Irrigation Company has been somewhat misconstrued. In this letter I stated that the amount of water from Boulder creek appurtenant to this 15.2 acres owned by Mr. Mossman would be determined by the amount that was appurtenant to and at the time the State Engineer's proposed determination and the District Court decree was made and entered. This, using your hypothetical case would mean that if at the time the proposed determination of the State Engineer in the decree was entered, Mr. Mossman has a valid right to 1.5 sec. ft. of water to irrigate 90 acres of land, 15.2 acres of which had a partial right from Deer creek, and the Boulder creek water was deficient to the extent that there was only 50% supply available from Boulder creek,-that is, .75 of a sec. ft. for the 90 acres. The 15 acres having a supplemental right from Deer creek, has a .25 sec. ft. right from Boulder creek when Boulder creek was furnishing 100%. Since in the case we are citing, Boulder creek is deficient one-half, this 15.2 acres has from Boulder creek but .12 of a sec. ft. Therefore Mr. Mossman would be



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entitled to go to Deer creek for his .12 sec. ft., providing the water was available in Deer creek to supply this right with a priority initiated.

If, of course, Mr. Mossman had transferred his Boulder water off this 15.2 acres, he would still be confined to only .12 of a sec. ft. of water from Deer creek in the case above cited. In other words, if he takes his Boulder water off this 15.2 acres and transfers it to other land, he cannot, by so doing, increase his demand from Deer creek over and above that which it would be had the Boulder creek water remained appurtenant to the land. As I remember, your Boulder creek decree provides that water cannot be made transferred without the consent of the parties involved.

The above is the interpretation placed on this in our letter to the Boulder Irrigation Company on May 12th. I did not however, in said letter go into the hypothetical case as above.

Yours very truly,

T. H. Humphreys,  
STATE ENGINEER.

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